

ASSEMBLY BILL

No. 1345

Introduced by Assembly Member Dahle

February 27, 2015

An act to amend Section 39719 of, and to add Section 38552 to, the Health and Safety Code, and to add Chapter 7.5 (commencing with Section 4495) to Part 2 of Division 4 of the Public Resources Code, relating to wildfires, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1345, as introduced, Dahle. California Global Warming Solutions Act of 2006: wildfires.

Existing law requires the Department of Forestry and Fire Protection to implement various fire prevention programs in the state and to provide fire suppression service in the event of wildfires in forest resources and timberlands.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation.

This bill would require the state board, in consultation with the department, no later than January 1, 2017, to estimate the annual

greenhouse gas emissions associated with wildfires in California between the years 1990 and 2015, inclusive. The bill would require the state board to develop, no later than January 1, 2017, an emissions baseline for wildfires by calculating the average of the annual greenhouse gas emissions associated with wildfires between the years 1990 and 2015, inclusive. The bill would require the state board and the department to annually approximate, no later than July 1, 2017, and every year thereafter, the greenhouse gas emissions associated with wildfires during the prior calendar year.

This bill, beginning with the 2016–17 fiscal year, would continuously appropriate \$100,000,000 to the department from the Greenhouse Gas Reduction Fund for specified activities that have the purpose of reducing greenhouse gas emissions by preventing the incidence of and reducing the intensity of catastrophic wildfires.

This bill would require the department, no later than July 1, 2017, after one or more specified public workshops, to develop and begin implementation of strategies to reduce by 2035 the preceding 5-year average of greenhouse gas emissions associated with wildfires by 20 percent below the greenhouse gas emissions baseline described above.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) For millennia, fire has shaped and renewed the ecosystems
- 4 of California’s forestlands. Some of these fires were naturally
- 5 ignited by lightning, but fire was also an important tool for Native
- 6 Americans.
- 7 (b) For more than a century, states and the federal government
- 8 have focused on fire suppression. This has resulted in unnaturally
- 9 high fuel accumulations. Forests that may have normally hosted
- 10 50 to 60 trees per acre can now average 350 trees per acre or more.
- 11 These forest conditions, often combined with prolonged periods
- 12 of drought, substantially increase the risk of catastrophic wildfire
- 13 and complicate response efforts.
- 14 (c) Historically, fire regimes were frequent, as often as every 3
- 15 to 10 years, but burned with far less intensity. Unlike modern
- 16 catastrophic wildfires, historic forest fires largely burned surface

1 fuels and scattered small groups of trees. In contrast, today’s forest
2 fires often devastate wide swaths of forest, threaten and damage
3 buildings and life, destroy habitat, kill wildlife, and cause severe
4 erosion.

5 (d) California is expected to see more large fires in the future,
6 which will result in increased greenhouse gas emissions. Some
7 studies suggest that forest-fire-related greenhouse gas emissions
8 could increase by more than 50 percent in the next 70 years.

9 (e) The 2013 Rim Fire burned over 250,000 acres over 69 days
10 and caused hundreds of millions of dollars in economic and
11 environmental damage; destroyed significant habitat for a number
12 of California’s rarest animals; and demanded more than \$125
13 million in firefighting costs. It is estimated that the Rim Fire
14 released over 11 million metric tons of greenhouse gases, which
15 is equivalent to the annual emissions of 2.3 million cars. Experts
16 have attributed the fire’s exponential growth to a century’s worth
17 of fuel left behind due to historical fire suppression policies.

18 (f) The 2007 Angora Fire resulted in roughly 143,000 tons of
19 greenhouse gas emissions, or approximately 46.2 tons per acre.
20 Studies indicate that those emissions could have been lowered to
21 12 tons per acre if the tree density was reduced from approximately
22 273 trees per acre to the natural 60 trees per acre level.

23 (g) To avoid these greenhouse gas emissions, we must focus
24 our efforts on reducing the risk and intensity of catastrophic
25 wildfires.

26 SEC. 2. Section 38552 is added to the Health and Safety Code,
27 to read:

28 38552. (a) No later than January 1, 2017, the state board, in
29 consultation with the Department of Forestry and Fire Protection,
30 shall estimate the annual greenhouse gas emissions associated with
31 wildfires in California between the years 1990 and 2015, inclusive.
32 To ensure the most accurate determination feasible, the state board
33 shall evaluate the best available information on greenhouse gas
34 emissions associated with wildfires.

35 (b) No later than January 1, 2017, the state board shall develop
36 an emissions baseline for wildfires by calculating the average of
37 the annual greenhouse gas emissions associated with wildfires
38 between the years 1990 and 2015, inclusive.

39 (c) No later than July 1, 2017, and every year thereafter, the
40 state board and the Department of Forestry and Fire Protection

1 shall annually approximate the greenhouse gas emissions associated
2 with wildfires during the prior calendar year.

3 (d) In performing the requirements pursuant to this section, the
4 state board and the Department of Forestry and Fire Protection
5 shall consider and separately quantify emissions associated with
6 fires originating on federally managed lands and evaluate whether
7 those emissions were exacerbated by management activities utilized
8 on those lands.

9 SEC. 3. Section 39719 of the Health and Safety Code is
10 amended to read:

11 39719. (a) The Legislature shall appropriate the annual
12 proceeds of the fund for the purpose of reducing greenhouse gas
13 emissions in this state in accordance with the requirements of
14 Section 39712.

15 (b) To carry out a portion of the requirements of subdivision
16 (a), annual proceeds are continuously appropriated for the
17 following:

18 (1) Beginning in the 2015–16 fiscal year, and notwithstanding
19 Section 13340 of the Government Code, 35 percent of annual
20 proceeds are continuously appropriated, without regard to fiscal
21 years, for transit, affordable housing, and sustainable communities
22 programs as following:

23 (A) Ten percent of the annual proceeds of the fund is hereby
24 continuously appropriated to the Transportation Agency for the
25 Transit and Intercity Rail Capital Program created by Part 2
26 (commencing with Section 75220) of Division 44 of the Public
27 Resources Code.

28 (B) Five percent of the annual proceeds of the fund is hereby
29 continuously appropriated to the Low Carbon Transit Operations
30 Program created by Part 3 (commencing with Section 75230) of
31 Division 44 of the Public Resources Code. ~~Funds Moneys~~ shall be
32 allocated by the Controller, according to requirements of the
33 program, and pursuant to the distribution formula in subdivision
34 (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of,
35 the Public Utilities Code.

36 (C) Twenty percent of the annual proceeds of the fund is hereby
37 continuously appropriated to the Strategic Growth Council for the
38 Affordable Housing and Sustainable Communities Program created
39 by Part 1 (commencing with Section 75200) of Division 44 of the
40 Public Resources Code. Of the amount appropriated in this

1 subparagraph, no less than 10 percent of the annual ~~proceeds~~,
2 *proceeds* shall be expended for affordable housing, consistent with
3 the provisions of that program.

4 (2) Beginning in the 2015–16 fiscal year, notwithstanding
5 Section 13340 of the Government Code, 25 percent of the annual
6 proceeds of the fund is hereby continuously appropriated to the
7 High-Speed Rail Authority for the following components of the
8 initial operating segment and Phase I Blended System as described
9 in the 2012 business plan adopted pursuant to Section 185033 of
10 the Public Utilities Code:

- 11 (A) Acquisition and construction costs of the project.
- 12 (B) Environmental review and design costs of the project.
- 13 (C) Other capital costs of the project.
- 14 (D) Repayment of any loans made to the authority to fund the
15 project.

16 (3) *Beginning with the 2016–17 fiscal year and notwithstanding*
17 *Section 13340 of the Government Code, one hundred million*
18 *dollars (\$100,000,000) is hereby continuously appropriated to the*
19 *Department of Forestry and Fire Protection from the fund, for the*
20 *purposes of reducing greenhouse gas emissions by preventing the*
21 *incidence and reducing the intensity of catastrophic wildfires, by*
22 *any of the following methods:*

- 23 (A) *Vegetation management and brush clearance.*
- 24 (B) *Biomass energy incentives.*
- 25 (C) *Incentives for private actions to reduce the risk or intensity*
26 *of wildfires or improve the resiliency of those lands.*
- 27 (D) *Reforestation of lands that have previously been burned in*
28 *a catastrophic wildfire.*

29 (c) In determining the amount of annual proceeds of the fund
30 for purposes of the calculation in subdivision (b), the ~~fund's~~ *moneys*
31 subject to Section 39719.1 shall not be included.

32 SEC. 4. Chapter 7.5 (commencing with Section 4495) is added
33 to Part 2 of Division 4 of the Public Resources Code, to read:

34
35 CHAPTER 7.5. WILDFIRES AND GREENHOUSE GAS EMISSIONS
36

37 4495. (a) No later than July 1, 2017, the department shall, after
38 one or more public workshops, with public notice, and an
39 opportunity for all interested parties to comment, develop and
40 begin implementation of strategies to reduce by 2035 the preceding

1 five-year average of greenhouse gas emissions associated with
2 wildfires by 20 percent below the greenhouse gas emissions
3 baseline established pursuant to subdivision (b) of Section 38552
4 of the Health and Safety Code.

5 (b) The strategies developed and implemented pursuant to
6 subdivision (a) may include, but are not limited to, any of the
7 following:

8 (1) Vegetation management and brush clearance.

9

10 (2) Biomass energy incentives.

11 (3) Incentives for private actions to reduce the risk or intensity
12 of wildfires or improve the resiliency of those lands.

13 (4) Reforestation of lands that have previously been burned in
14 a catastrophic wildfire.

15 (5) Agreements between the federal government and the
16 department to undertake identified strategies.